

Remarks

In Items 8 and 9 of his response, the examiner rejected Claims 1 - 6 under 35 USC.102(b) as being anticipated by Brown.

Remarks in reply hold that (1) supporting structures are an essential fundamental necessary part of Brown's invention that (2) supporting structures are specifically excluded from the present invention and that (3) this presents a patentable improvement over prior art.

Remarks in Detail

1.(a) Supporting structures are shown to be necessary to Brown's invention as

"Some type of horizontal disassociation cushioning layer to avoid point source of contact between bottom of tile and top of horizontal base surface since ceramic, quarry and stone tile are relatively brittle. In the case of wood to take away unevenness".

Column 7 line 23 to 36

where Webster's dictionary defines "cushioning" as supporting. Brown's invention describes the necessity for supporting structure in more detail

"The plurality of dynamic-interactive - fluidtight-flexible-joints between the tiles combined with the thickness of horizontal-disassociation-cushioning-layer under the tiles distributes stress through 'wavelike' dampening or dispersing action to the adjacent tiles, even when the tile is heavily pressed in a tilted position, in co-operation with the dynamic -interactive-fluidtight-flexible-joints, thus

distributing loads to adjacent tiles and controlling the tilting of horizontal-individual-tiles and greatly reducing the possibility of snapping of tiles which are relatively brittle by nature."

Column 12 line 29 to 39

The necessity of supporting structure in Brown's patent is touched on again.

"This invention's array of tiles with dynamic-interactive-fluidtight-flexible-joints between tiles and floating free by gravity, friction and accumulated-interactive-assemblage over a horizontal-disassociation-cushioning-layer inherently has limitations which, for example show up when a heavy woman weighing over 200 lbs. and walking in spike heels, heels approximately 1/4 inch by 1/4 inch in area, causes snapping of large size quarry tiles."

Column 25 line 29 to 37

- 1(b) Supporting structures are shown to be fundamental to Brown's invention "wherein floating tiles are cushioned against breakage by a horizontal-disassociation-cushioning layer". Column 2 line 67 to Column line 1

Further supporting structures are described in all embodiments and figures of Brown's invention where the view of the figure makes it possible to show a supporting structure. Brown uses many different terms for supporting structure such as "slip sheet" column 20, line 29; "horizontal composite assemblage sheet" column 20 line 32 - 33; "rigid foam insulation" column 20 line 37 - 38; "any type of resilient substrate" column 20 line 42; "horizontal disassociating -cushioning-layer" column 80 line 53 - 54; "three

dimensional passage and support matrix" column 21 line 39 - 40.

Even the figures 16 to 19 cited in the examiners response are "illustrative", "applicable" and "relative" to other figures in Brown's patent which show various sorts of supporting structures.

- 1(c) Supporting structures are essential to Brown's application forming an essential part of each claim as a "resilient substrate" claim 1, and 2 or as "horizontal-disassociating-cushioning-layer," in claim 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27, 31, 32, 33, 35, 36, 37, 38, 42, 43, 44, 45, 46, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 70, 71 and 72 or as "a horizontal composite assemblage sheet" in Claim 6 or as a "three-dimensional-passage-and-support-matrix" in claim 25, 26, 28, 29, 30, 34, 39, 40, 41, 49, and 68.
2. The supporting structures of Brown's invention are specifically and purposefully excluded from the present invention. The exclusion of supporting structures is noted.

"The third method used in prior art to hold together the individual wooden elements of wooden products is that of a supporting structure of wood, masonry, plastic, or other material. In the case of flooring the supporting structure may be a subfloor of plywood or of concrete. The flooring planks are then nailed or glued to the subfloor and held rigidly in place. The ribs of a boat may be a supporting structure that holds together the pieces of the hull.

Supporting structures have no immediate use in themselves but are a cost necessary to hold the useful wooden elements together in

place just as nails or joinery are an expense.

An example of this is the wooden decking of some boats. The decking is held together by framing within the hull or by a surface of the hull to which the decking is attached. The present invention improves over prior art where supporting structure's hold the individual elements in place because the present invention requires no supporting structure."

Paragraph 6, 7 and 8 of the Detailed Description of the unamended patent application of the present invention.

Further, supporting structures are excluded from the present invention in Claim 1 - "A resilient, elastic, dimensionally, dynamic, mobile method of adhesive wood joinery complete in itself without fasteners, joinery millwork or supporting structures."

3. The exclusion of supporting structures from the present invention renders it patentable as
 - 3(a) Excluding supporting structures in the present invention results in a savings of material costs;
 - 3(b) Excluding supporting structures in the present invention saves labour cost as it simplifies the assembly of the present invention relative to prior art;
 - 3(c) Excluding supporting structures from the present invention improves its portability relative to prior art where supporting structures are employed;
 - 3(d) Excluding supporting structures from the present invention improves over prior art as it avoids complications arising when combining one material structurally with another

changes the mechanical, structural, or other qualities of one or more of the constituent materials in unforeseen and undesirable ways as in bi-metallic effects or lamination effects;

- 3(e) Excluding supporting structures is an unobvious improvement over prior art. Brown's invention overlooks this advantage many times throughout his patent and 72 times more in each of his claims;
- 3(f) The singularity of the present invention as a means of wood joinery is a substantial aspect of its inventiveness. While the joinery of the present invention is "complete in itself without fasteners, joinery millwork or supporting structures" Claim 1, prior art has always combined two or more of adhesives, joinery millwork, fasteners or supporting structures to form a wooden assembly;
- 3(g) Excluding supporting structures in the present invention saves labour cost as it simplifies the installation of the present invention relative to prior art; and
- 3(h) Brown's prior art will not function without a supporting structure whereas the present invention does.